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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,492	12/26/2000	Christoph Stiller	10191/1620	2842
26646	7590	12/15/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			SUN, XIUQIN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,492

Applicant(s)

STILLER, CHRISTOPH

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 4-8 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franke et al. (U.S. Pat. No. 6292752 B1) in view of Kai (U.S. Pat. No. 6226571) and Chervený et al. (U.S. Pat. No. 6047234).

Franke et al. teach a method for calibrating a sensor system for detecting and analyzing an object in a path of a vehicle (Abstract and col. 2, lines 39-51), comprising the steps of: detecting characteristic data of the object by operating the sensor system (col. 2, lines 20-29, col. 3, lines 35-42, lines 51-57 and col. 5, lines 1-12); sending to a calibration unit data from the sensor system, taking into account a motion of the vehicle (Fig. 2; col. 2, lines 28-44; col. 3, lines 30-41; and col. 5, lines 13-33); determining a deviation in instantaneously measured data from data of a model of the object as an error vector (Fig. 2 and col. 5, lines 13-29); and correcting, in accordance with the deviation, the data of the model in order to minimize the deviation and to converge the calibration parameters of the sensor system (col. 5, lines 29-33; col. 7, lines 31-67 and col. 8, lines 1-13).

Franke et al. do not mention explicitly: sending to a calibration unit data that is interpreted as representing the object as one of stationary and quasi-stationary, taking into account a motion of the vehicle. Franke et al. also do not mention: after the step of correcting the data of the model, performing a calibration of the sensor system.

Kai discloses a surroundings monitoring apparatus for an automotive vehicle, and teaches the step and means of sending to a control processing unit data that is interpreted as representing the object as one of stationary and quasi-stationary, determined from the relative velocities of all objects, taking into account a motion of the vehicle (col. 3, lines 14-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Kai in the Franke method in order to detect the objects that are present around the subject vehicle, output the positional and state information of said objects accurately, and use the output for further data analysis and operation (Kai, Abstract).

Chervený et al. disclose a method of feedback calibration of vehicle sensors, and teach the step of performing a recalibration of the sensor system, after the sensors are initially calibrated (col. 9, lines 16-67 and col. 10, lines 1-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Chervený et al. in the Franke method in order to make the sensors to be fine-tuned for higher levels of accuracy (Chervený et al., col. 9, lines 16-67 and col. 10, lines 1-13).

Allowable Subject Matter

3. Claims 1 and 4-8 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 1 and 4-8 is the inclusion of the limitations that: during the processing step, selecting the object data, any object data not found again being deleted and newly added object data being included; and characterizing the object data including a reduction in a respective confidence interval after repeated measurements from different positions of the vehicle as data belonging to one of the stationary object and the quasi-stationary object. It is these limitations found in each of the claims, as they are claimed in the combination, that have not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

6. Applicant(s) canceled claims 2 and 3, and incorporated these two claims into claim 1, rendering claim 1 allowable.
7. The newly added claims 9 and 10 have been reviewed but are rejected in view of the new ground(s) set forth above.

Contact Information

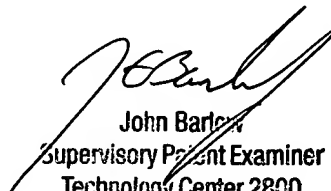
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

X.S
December 2, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800